

PATENT COOPERATION TREATY

09/868,666

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

STOTT, Michael, J.
GlaxoSmithKline
Corporate Intellectual Property
Two New Horizons Court
Brentford
Middlesex TW8 9EP
ROYAUME-UNI

Date of mailing (day/month/year) 16 août 2001 (16.08.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference PG3635	
International application No. PCT/EP99/10157	International filing date (day/month/year) 21 décembre 1999 (21.12.99)

1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

Name and Address STOTT, Michael, J. Glaxo Wellcome plc Glaxo Wellcome House Berkeley Avenue Greenford Middlesex UB6 0NN United Kingdom	State of Nationality	State of Residence
	Telephone No. 0171-493-4060	
	Facsimile No. 0181-966-8838	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address STOTT, Michael, J. GlaxoSmithKline Corporate Intellectual Property Two New Horizons Court Brentford Middlesex TW8 9EP United Kingdom	State of Nationality	State of Residence
	Telephone No. 020 8966 8412	
	Facsimile No. 020 8966 8838	
	Teleprinter No.	

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer R. Raissi
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C.20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 11 August 2000 (11.08.00)	Applicant's or agent's file reference PG3635
International application No. PCT/EP99/10157	
International filing date (day/month/year) 21 December 1999 (21.12.99)	Priority date (day/month/year) 23 December 1998 (23.12.98)
Applicant ISLAM, Seema et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

13 July 2000 (13.07.00)

☐ in a notice effecting later election filed with the International Bureau on:
2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia RANAIVOJAONA Telephone No.: (41-22) 338.83.38
---	---

PATE NT COOPERATION TREATY

by fax and post

PCT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

STOTT, Michael J.
GLAXO WELLCOME PLC
Glaxo Wellcome House
Berkeley Avenue
Greenford
Middlesex UB6 0NN
GRANDE BRETAGNE

16 MAR 2001

G.T.

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

FAX NO: 020 8966 8838

Date of mailing
(day/month/year) 14.03.2001

Applicant's or agent's file reference
PG3635

IMPORTANT NOTIFICATION

International application No.
PCT/EP99/10157

International filing date (day/month/year)
21/12/1999

Priority date (day/month/year)
23/12/1998

Applicant
GLAXO GROUP LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

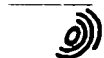
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx. 523656 eprim d
Fax: +49 89 2399 - 4465

Authorized officer

Buchler, S

Tel +49 89 2399-8090



PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application N

PCT/EP 99 / 10157

International Filing Date
21 DEC 1999

(21 12 1999)

EUROPEAN PATENT OFFICE
PCT INTERNATIONAL APPLICATION

Applicant's or agent's file reference

(if desired) (12 characters maximum)

PG3635

Box No. I	TITLE OF INVENTION	
	Production of Proteins	
Box No. II	APPLICANT	
Name and address: (Family name followed by given name for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below) Glaxo Group Limited Glaxo Wellcome House Berkeley Avenue Greenford, Middlesex, UB6 0NN GB		<input type="checkbox"/> This person is also inventor. Telephone No. 0171 493 4060 Facsimile No. 0181 966 8838 Teleprinter No. 25456
State (i.e. country) of nationality: GB		State (i.e. country) of residence: GB
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input checked="" type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box		
Box No. III	FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS	
Name and address: (Family name followed by given name for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below) ISLAM, Seema Glaxo Wellcome plc Langley Court South Eden Park Road Beckenham, Kent, BR3 3BS GB		This person is: <input type="checkbox"/> applicant only <input checked="" type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)
State (i.e. country) of nationality: GB		State (i.e. country) of residence: GB
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box		
<input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.		
Box No. IV	AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International authorities as: <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative		
Name and address: (Family name followed by given name for a legal entity, full official designation. The address must include postal code and name of country) STOTT, Michael J Glaxo Wellcome plc Glaxo Wellcome House, Berkeley Avenue Greenford, Middlesex UB6 0NN GB		Telephone No.: 0171-493-4060 Facsimile No.: 0181-966-8838 Teleprinter No.: 25456
<input type="checkbox"/> Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.		

PCT/EP 99 / 1 0 1 5 7

Sheet No. 2...

Continuation of Box No. III FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS

If none of the following sub-boxes is used, this sheet is not to be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

SHARP, Nigel Alan
Glaxo Wellcome plc
Gunnels Wood Road
Stevenage, Hertfordshire
SG1 2NY
GB

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

GB

State (i.e. country) of residence:

GB

This person is applicant for the purposes of:

☐

all designated States

☐

all designated States except the United States of America

☒

the United States of America only

☐

the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
☐ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

State (i.e. country) of residence:

This person is applicant for the purposes of:

☐

all designated States

☐

all designated States except the United States of America

☐

the United States of America only

☐

the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
☐ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

State (i.e. country) of residence:

This person is applicant for the purposes of:

☐

all designated States

☐

all designated States except the United States of America

☐

the United States of America only

☐

the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
☐ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:

State (i.e. country) of residence:

This person is applicant for the purposes of:

☐

all designated States

☐

all designated States except the United States of America

☐

the United States of America only

☐

the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on a continuation sheet

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Sheet No. 3

Box No. V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

Regional Patent

- ☒ **AP** **ARIPO Patent:** GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SZ Swaziland, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☒ **EA** **Eurasian Patent:** AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ **EP** **European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ **OA** **OAPI Patent:** BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | |
|---|---|
| <input checked="" type="checkbox"/> AE United Arab Emirates | <input checked="" type="checkbox"/> LR Liberia |
| <input checked="" type="checkbox"/> AL Albania | <input checked="" type="checkbox"/> LS Lesotho |
| <input checked="" type="checkbox"/> AM Armenia | <input checked="" type="checkbox"/> LT Lithuania |
| <input checked="" type="checkbox"/> AT Austria | <input checked="" type="checkbox"/> LU Luxembourg |
| <input checked="" type="checkbox"/> AU Australia | <input checked="" type="checkbox"/> LV Latvia |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> MD Republic of Moldova |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> MG Madagascar |
| <input checked="" type="checkbox"/> BB Barbados | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> BG Bulgaria | |
| <input checked="" type="checkbox"/> BR Brazil | <input checked="" type="checkbox"/> MN Mongolia |
| <input checked="" type="checkbox"/> BY Belarus | <input checked="" type="checkbox"/> MW Malawi |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> MX Mexico |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> NO Norway |
| <input checked="" type="checkbox"/> CN China | <input checked="" type="checkbox"/> NZ New Zealand |
| <input checked="" type="checkbox"/> CU Cuba | <input checked="" type="checkbox"/> PL Poland |
| <input checked="" type="checkbox"/> CZ Czech Republic | <input checked="" type="checkbox"/> PT Portugal |
| <input checked="" type="checkbox"/> DE Germany | <input checked="" type="checkbox"/> RO Romania |
| <input checked="" type="checkbox"/> DK Denmark | <input checked="" type="checkbox"/> RU Russian Federation |
| <input checked="" type="checkbox"/> EE Estonia | <input checked="" type="checkbox"/> SD Sudan |
| <input checked="" type="checkbox"/> ES Spain | <input checked="" type="checkbox"/> SE Sweden |
| <input checked="" type="checkbox"/> FI Finland | <input checked="" type="checkbox"/> SG Singapore |
| <input checked="" type="checkbox"/> GB United Kingdom | <input checked="" type="checkbox"/> SI Slovenia |
| <input checked="" type="checkbox"/> GD Grenada | <input checked="" type="checkbox"/> SK Slovakia |
| <input checked="" type="checkbox"/> GE Georgia | <input checked="" type="checkbox"/> SL Sierra Leone |
| <input checked="" type="checkbox"/> GH Ghana | <input checked="" type="checkbox"/> TJ Tajikistan |
| <input checked="" type="checkbox"/> GM Gambia | <input checked="" type="checkbox"/> TM Turkmenistan |
| <input checked="" type="checkbox"/> HR Croatia | <input checked="" type="checkbox"/> TR Turkey |
| <input checked="" type="checkbox"/> HU Hungary | <input checked="" type="checkbox"/> TT Trinidad and Tobago |
| <input checked="" type="checkbox"/> ID Indonesia | <input checked="" type="checkbox"/> UA Ukraine |
| <input checked="" type="checkbox"/> IL Israel | <input checked="" type="checkbox"/> UG Uganda |
| <input checked="" type="checkbox"/> IN India | <input checked="" type="checkbox"/> US United States of America |
| <input checked="" type="checkbox"/> IS Iceland | <input checked="" type="checkbox"/> UZ Uzbekistan |
| <input checked="" type="checkbox"/> JP Japan | <input checked="" type="checkbox"/> VN Viet Nam |
| <input checked="" type="checkbox"/> KE Kenya | <input checked="" type="checkbox"/> YU Yugoslavia |
| <input checked="" type="checkbox"/> KG Kyrgyzstan | <input checked="" type="checkbox"/> ZA South Africa |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> ZW Zimbabwe |

Check-boxes reserved for designating States which have become party to the PCT after issuance of this sheet.

- | | |
|---|--|
| <input checked="" type="checkbox"/> KR Republic of Korea | <input checked="" type="checkbox"/> CR Costa Rica |
| <input checked="" type="checkbox"/> KZ Kazakhstan | |
| <input checked="" type="checkbox"/> LC Saint Lucia | <input checked="" type="checkbox"/> DM Dominica |
| <input checked="" type="checkbox"/> LK Sri Lanka | <input checked="" type="checkbox"/> MA Morocco |
| | <input checked="" type="checkbox"/> TZ Tanzania |

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. (Confirmation must reach the receiving Office within the 15-month time limit.)

PCT/EP 99/10157

Sheet No. 4

Box No. VI PRIORITY CLAIM		<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box		
Filing Date of Earlier Application (day/month/year)	Number of earlier application	Where earlier application is		
		national application country	regional application* regional Office	international application receiving Office
item (1) 23 December 1998 (23.12.98)	9828624.8	GB		
item (2)				
item (3)				

☐ The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s):
 * Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(iii)). See Supplemental Box.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY	
Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen, the two-letter code may be used): ISA/	Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority) Date (day/month/year) Number Country (or regional office)

Box. VIII CHECK LIST; LANGUAGE OF FILING	
This international application contains the following number of sheets: request 4 description (excluding sequence listing part) 11 claims 2 abstract 1 drawings - sequence listing part of description Total number of sheets 18	This international application is accompanied by the item(s) marked below: 1. <input checked="" type="checkbox"/> fee calculation sheet 2. <input checked="" type="checkbox"/> separate signed power of attorney (2) 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: 4. <input type="checkbox"/> statement explaining lack of signature 5. <input checked="" type="checkbox"/> priority document(s) identified in Box No. VI as item(s): (1) 6. <input type="checkbox"/> translation of international application into (language): 7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material 8. <input type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form 9. <input type="checkbox"/> other (specify):

Figure of the drawings which should accompany the abstract:	Language of filing of the international application: English
---	--

Box No. IX SIGNATURE OF APPLICANT OR AGENT

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).


Michael J STOTT
 Agent for the Applicants

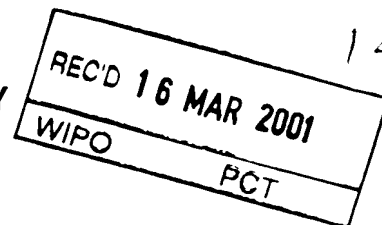
For receiving Office use only		2. Drawings <input checked="" type="checkbox"/> received <input type="checkbox"/> not received.
1. Date of actual receipt of the purported international application (21.12.1999)	21 DEC 1999	
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application		6/cx
4. Date of timely receipt of the required corrections under PCT Article 11(2):		
5. International Searching Authority specified by the applicant: ISA/	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid	

For International Bureau use only	
Date of receipt of the record copy by the International Bureau	

Form PCT/RO/101 (last sheet) (July 1998)

See Notes to the request form

** TOTAL PAGE: 05 **



INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PG3635	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/10157	International filing date (day/month/year) 21/12/1999	Priority date (day/month/year) 23/12/1998
International Patent Classification (IPC) or national classification and IPC C12N1/38		
Applicant GLAXO GROUP LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13/07/2000	Date of completion of this report 14.03.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Grosskopf, R Telephone No. +49 89 2399 8714 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP99/10157

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1-11 as originally filed

Claims, No.:

1-12 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP99/10157

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-8, 10-12.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 1-8, 10-12 are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims 1-12

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP99/10157

	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-12
Industrial applicability (IA)	Yes:	Claims	1-12
	No:	Claims	

2. Citations and explanations
see separate sheet

Ad item III and V:

The present application relates to a process for the production of a protein by cell culture in a medium which comprises an alkanoic acid and/or salt thereof at a maintained concentration of less than 0.1 mM.

However, the experimental part of the description is restricted to a comparison of antibody production in NSO cell culture at five concentrations of **sodium butyrate** (0mM, 0.025mM, 0.05mM, 0.075mM and 0.1mM; see Figure 1) and a comparison of antibody production and viability of cells at two concentrations of sodium butyrate (0mM and 0.075 mM).

No examples have been carried out with any other alkanoic salt than sodium butyrate.

Therefore, with the exception of claims 5 and 6, none of the claims is supported over the whole breadth claimed.

Moreover, the results shown in Figure 1 seem to lack a certain consistency and are at least interpretable.

In Figure 2 only a comparison has been made with 0mM salt but not with any other concentration (including 0.1mM i.e. the concentration which is used in the art).

In view of these observations, claims which include concentrations which are more or less indistinguishable from the concentrations used in the art (i.e. 1mM or 0mM) lack an inventive activity, since a certain degree of variation (especially with respect to the upper limit) falls within the design freedom of a skilled person (this concerns all of the claims 1 to 8 and 10 to 12)).

On the other hand, a positive effect, if any, has been merely demonstrated for 0.075mM sodium butyrate (but again merely in comparison with 0mM but not with 0.1mM).

Thus, in the absence of demonstrating any positive results in comparison with the concentrations used in the art, an inventive activity has to be denied.

In fact, a skilled person would of course try to keep the concentration of a non-natural component in a culture medium as low as possible, provided the desired

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positive effect is obtained.

Alternatively, if no effect is obtained by certain (low) concentrations, the addition of said compound to the medium does not solve any problem.

In summary, the claims have to be limited to sodium butyrate and to a meaningful (i.e. clearly distinguishable from the prior art) range of concentrations for which a positive effect has to be demonstrated.

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(54) Title: PRODUCTION OF PROTEINS		
(57) Abstract A process for the production of a protein by cell culture, said process comprising culturing eukaryotic cells which constitutively produce said protein in a medium which comprises an alkanoic acid and/or salt thereof at a maintained concentration of less than 0.1mM.		

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